

PATENT

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office a	ddress and citizenship	o are as stated below, next to my	name.	
	ural names are listed t on the invention enti			
the specification of which				
is attached was filed o	I hereto. n (MM/DD/YYYY) <u>[</u>	<u>December 29, 2000</u> as		
or		n Number <u>09/752,541</u> blication Number /IM/DD/YYYY) (if applicat		— —-
		nd the contents of the above-ide by any amendment referred to a		
I acknowledge the duty to defined in Title 37, Code of		n known to me to be material to p Section 1.56.	atentabilit	y as
foreign application(s) for pa	atent or inventor's cert patent or inventor's ce	35, United States Code, Section ificate listed below and have also rtificate having a filing date before	identified	below
Prior Foreign Application(s)			Priori <u>Claim</u>	
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
Number	Country	(Foreign Filing Date - MM/DD/YYYY)	Yes	No
I hereby claim the benefit u provisional application(s) lis		States Code, Section 119(e) of a	ny United	States
60/177,021	01/19/00			
Application Number		(Filing Date – MM/DD/YYYY)		
Application Number	(Filing Date -	(Filing Date – MM/DD/YYYY)		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Application Number	(Filing Date – MM/DD/YYYY)	Status patented, pending, abandoned
Application Number	(Filing Date – MM/DD/YYYY)	Status patented, pending, abandoned
part of this document) as m	y respective patent attorneys and, to prosecute this application and	which is incorporated by reference and a d patent agents, with full power of d to transact all business in the Patent
Send correspondence to		_, BLAKELY, SOKOLOFF, TAYLOR &
	(Name of Attorney or Agent)	
	·	geles, California 90025 and direct
· · · · · · · · · · · · · · · · · · ·	<u>niel M. DeVos</u> , (40 me of Attorney or Agent)	18) /2U-83UU.
(Nai	ne of Anomey of Agent)	
I hereby declare that all	statements made herein of my	y own knowledge are true and that
-		eved to be true; and further that
these statements were m	ade with the knowledge that v	willful false statements and the like
·	•	oth, under Section 1001 of Title 18 of
		ments may jeopardize the validity o
the application or any po	atent issued thereon.	
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APPENDIX A

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APPENDIX B

Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentability</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.